

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

01-R-1392

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$1,000.00 IN SETTLEMENT OF THE
CLAIM OF LIBERTY MUTUAL GROUP AS SUBROGEE
OF KENNETH HAYDEN CASEY AGAINST THE CITY OF
ATLANTA; AND FOR OTHER PURPOSES**

WHEREAS, Liberty Mutual Group as subrogee of Kenneth Hayden Casey has filed a claim against the City of Atlanta seeking damages arising out of a collision between a vehicle operated by Todd Peck, an employee of the Department of Police, and Mr. Casey's vehicle; and

WHEREAS, the collision occurred when the City employee rear ended the claimant's vehicle; and

WHEREAS, the claimant has asserted damages in the amount of \$5,729.60, but has agreed to accept the sum of **\$1,000.00** in full and complete satisfaction and settlement of its subrogation claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **Liberty Mutual Group as subrogee of Kenneth Hayden Casey** be settled for the sum of **\$1,000.00**.

WHEREAS, this claim was previously denied by City Council on September 5, 2000.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution number 00-R-1246 be hereby rescinded and that **\$1,000.00** be paid by the City of Atlanta in satisfaction of any and all claims **Liberty Mutual Group as subrogee of Kenneth Hayden Casey** may have stemming from damages sustained as a result of a vehicular collision that occurred at I-285 and GA Highway 166 on November 1, 1999.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

Amendment Incorporated by tcp 9-26-01

A true copy,
Deonda Daughia Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

SEP 17, 2001

SEP 26, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0188

Date: August 23, 2001

Claimant /Victim LIBERTY MUTUAL GROUP AS SUBROGEE OF KENNETH HAYDEN CASEY

BY: (Atty.) (Ins. Co.) _____

Address: 5000 Tilghman Street, Suite 300, Allentown, PA 18104

Subrogation: X Claim for Property damage \$ 5,729.60 Bodily Injury \$ _____

Date of Notice: 03/29/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/01/99 Place: I-285 and GA Highway 166

Department Police Division: _____

Employee involved Todd Peck Disciplinary Action: Oral Admonishment

NATURE OF CLAIM: The driver of the City vehicle was following too closely and rear-ended the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____

Traffic citations issued: City Driver X Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement X

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

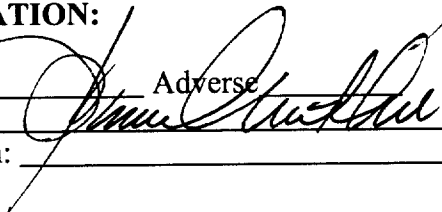
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,000.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 08-23-01

Committee Action: _____ Council Action _____



Mitchell
03/24/00
DM

Liberty Mutual Group

Commerce Plaza
5000 Tilghman Street, Suite 300
Allentown, PA 18104
(610) 391-9391
(800) 521-0986

MARCH 14, 2000

CITY OF ATLANTA
POLICE DEPARTMENT
675 PONCE DE LEON
ATLANTA GA 30308

ENTERED - 3-29-00 - SB
00L0188 - DIANNE MITCHELL

OUR INSURED: KENNETH HAYDEN CASEY
OUR CLAIM NUMBER: PD586-418313-01
YOUR INSURED: CITY OF ATLANTA
YOUR CLAIM NUMBER: UNKNOWN
DATE OF LOSS: 11/01/99
PLACE OF LOSS: I 285 ATLANTA, GA

Dear CITY OF ATLANTA

Our investigation shows your Insured is responsible for this loss.

Enclosed is our subrogation documentation to justify our claim.

We have paid	\$ 5738.10
Salvage (if applicable)	\$ 517.50
Our Insured's Deductible	\$ 500.00
Total Amount of Damages	\$ 5729.60

Please show our file number when you forward your check to my attention.

Sincerely,
PATRICIA COLLINS, EXT 282
Subrogation Department

ENCLOSURE

RCS# 3125
9/17/01
6:44 PM

Atlanta City Council

Regular Session

MULTIPLE

Public Safety Items 2-11

ADOPT

OK-1392

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	E Maddox	Y Alexander
Y Winslow	NV Muller	Y Boazman	NV Pitts

MULTIPLE

01-L -1392

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING
PAYMENT IN THE AMOUNT OF
\$2,000.00 IN SETTLEMENT OF THE
CLAIM OF LIBERTY MUTUAL GROUP
ASSUBROGEE OF KENNETH HAYDEN
CASEY AGAINST THE CITY OF
ATLANTA AND FOR OTHER
PURPOSES

APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *As Amended*

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

ADOPTED BY
SEP 17 2001
COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair *C.T. Martin*
Referred to _____

Public Safety

9/17/01

C.T. Martin

Action:

☒ Fav, Adv, Hold (see rev. side)

Other:

AS Amended

Members

Sherry D. Duggan
Chloe A. Hester
John A. Hester

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
SEP 17 2001

CERTIFIED
SEP 17 2001

Spencer
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 26 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW